

Exhibit 407

United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.
v. Dey, Inc., et al., Civil Action No. 05-11084-PBS

**Exhibit to the August 28, 2009 Declaration of Sarah L. Reid in Support
of Dey's Opposition to Plaintiffs' Motion for Partial Summary Judgment**

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1 Q. And do you know that there were changes
2 in the actual sales force itself?

3 A. By that --

4 MR. AZORSKY: Objection to form.

5 BY MS. REID:

6 Q. I mean, the people that were out in the
7 field, the sales reps who were actually making
8 the calls?

9 A. I know there were people who came and
10 -- and left. I know there were new hires. I
11 know there were promotions. There were a
12 redistribution of duties, yes.

13 Q. You rely very heavily on -- on the
14 launch documents?

15 A. Excuse me?

16 Q. The launch documents in your report --

17 A. Yes.

18 Q. -- for Albuterol, Cromolyn Sodium and
19 Ipratropium Bromide?

20 A. Yes.

21 Q. Did you make an examination of the
22 effectiveness of any marketing plan associated

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1 with those launches?

2 MR. FAUCI: Objection to form.

3 MR. AZORSKY: Objection to form.

4 BY MS. REID:

5 Q. And by effectiveness, I mean, did they
6 produce sales?

7 MR. AZORSKY: Objection to form.

8 A. I did not do any analysis of that, no.

9 BY MS. REID:

10 Q. Did you do any analysis of whether and
11 to what extent the behavior that you have
12 observed of marketing the spread led to any sales
13 for Dey?

14 MR. FAUCI: Objection to form.

15 A. Yes, I think so.

16 BY MS. REID:

17 Q. How do you know that?

18 A. Well, if you look at the -- the -- the
19 whole Florida WAC increase. I mean, that -- it's
20 very clear from the record that sales were very
21 positively impacted by that ordeal.

22 Q. That's one specific instance. Is there

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1 to look at whether the -- Dey's marketing
2 strategy led to any sales?

3 MR. FAUCI: Objection to form.

4 MR. AZORSKY: Objection to form.

5 A. The questions that were posed to me did
6 not include any assessment of Dey's success using
7 or applying their marketing plans. It was simply
8 to evaluate what plan -- what behaviors those
9 plans set forth, what behavior the company
10 engaged in, and what the significance of those
11 behaviors was from a marketing perspective.

12 BY MS. REID:

13 Q. Just a second.

14 Are you in any position to opine on
15 whether Dey made any sales -- actually, made any
16 sales as a result of the activity that you've
17 defined as marketing the spread?

18 MR. FAUCI: Objection to form.

19 A. I think I need to ask you to clarify
20 the made any sales. I -- I think you've
21 distinguished for me earlier today that a sales
22 call with a customer is not technically a sale

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1 per se.

2 BY MS. REID:

3 Q. Okay.

4 A. So I have not undertaken any -- any
5 study or analysis to determine if the impact of a
6 sales visit resulted in an actual purchase by a
7 customer.

8 However, I want to qualify that by
9 saying that sales personnel reported the impact
10 of their activities as influencing sales and
11 increasing customer purchases.

12 Q. And those would be in documents that
13 you've listed in your fact chronology and your
14 reading log?

15 A. Yes.

16 Q. Okay. If Dey had a spread on its
17 products as indeed all of generic manufacturers
18 did at that point in time, but didn't market it,
19 do you agree that it is possible and indeed
20 likely that Dey would have made sales where the
21 customer looked at the spread and decided that
22 they would buy Dey's products because they